

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred House Bill No. 1218, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 5, between lines 13 and 14, begin a new paragraph and insert:
2 "SECTION 4. IC 22-12-4.5-4 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The term of a
4 member is three (3) years. A member continues to serve until the
5 member's successor is appointed. ~~or until sixty (60) days have elapsed~~
6 ~~since the member's term expired; whichever occurs first.~~
7 (b) The appointing authority may remove a member of the board for
8 inefficiency or neglect of duty.
9 (c) If a vacancy occurs on the board, an individual appointed to fill
10 the vacancy serves the unexpired term of the vacating member.
11 (d) ~~An appointed member of the board may serve not more than~~
12 ~~three (3) consecutive terms. If the member was appointed to fill a~~
13 ~~vacancy under subsection (c), the part of an unexpired term filled by~~
14 ~~the member is not included in calculating a member's length of service~~
15 ~~under this subsection.~~
16 SECTION 5. IC 22-12-4.5-6 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) The board shall
18 meet at least ~~biannually~~. **quarterly.**
19 (b) A quorum of the board consists of six (6) members. The
20 affirmative votes of at least six (6) members of the board are required

1 for the board to take action."

2 Page 5, delete lines 40 through 42.

3 Page 6, delete lines 1 through 40.

4 Page 8, between lines 23 and 24, begin a new paragraph and insert:

5 "SECTION 10. IC 22-13-2-11 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) The
7 commission, ~~or~~ the rules board, **or the regulated amusement device**
8 **safety board established by IC 22-12-4.5-2** may grant a variance to
9 a rule that it has adopted.

10 (b) To qualify for a variance, an applicant must pay the fee set under
11 IC 22-12-6-6 and submit facts demonstrating that:

12 (1) compliance with the rule will impose an undue hardship upon
13 the applicant or prevent the preservation of an architecturally
14 significant or historically significant part of a building or other
15 structure; and

16 (2) either:

17 (A) noncompliance with the rule; or

18 (B) compliance with an alternative requirement approved by
19 the body adopting the rule;

20 will not be adverse to the public health, safety, or welfare.

21 (c) A variance granted under this section is conditioned upon
22 compliance with an alternative standard approved under subsection
23 (b)(2)(B).

24 (d) A variance granted under this section takes precedence over
25 conflicting rules adopted by a state agency and conflicting ordinances
26 and other regulations adopted by a political subdivision."

27 Page 8, delete lines 39 through 42.

28 Page 9, delete lines 1 through 21.

29 Page 9, line 24, delete "or 42 U.S.C. 5404".

30 Page 9, line 25, reset in roman "that section as it".

31 Page 9, line 25, delete "those sections as they".

32 Page 10, delete lines 11 through 16.

33 Page 14, line 39, after "exempted by" insert "a".

34 Page 15, line 24, delete "the following".

35 Page 15, delete line 25.

36 Page 15, line 26, delete "(1) A" and insert "a".

37 Page 15, run in lines 24 through 26.

38 Page 15, delete lines 28 through 30.

- 1 Page 15, line 42, delete "Demonstrate proof of insurance to the
- 2 office if required".
- 3 Page 16, delete line 1.
- 4 Page 16, line 2, delete "(2)".
- 5 Run in page 15, line 42 through page 16, line 2.
- 6 Page 16, line 5, reset in roman "(2)".
- 7 Page 16, line 5, delete "(3)".
- 8 Page 16, line 10, delete "agency, if owner or" and insert "**agency.**".
- 9 Page 16, delete line 11.
- 10 Page 16, line 12, delete "by:" and insert "**by one (1) of the**
- 11 **following:**".
- 12 Page 16, delete lines 13 through 24, begin a new line double block
- 13 indented and insert:
- 14 **"(A) An insurance company inspection agency, if the vessel**
- 15 **is insured under a boiler and pressure vessel insurance**
- 16 **policy and the renewal inspection is not conducted by an**
- 17 **owner or user inspection agency.**
- 18 **(B) An owner or user inspection agency.**
- 19 **(C) The office, if the owner or user of a vessel is not**
- 20 **licensed as an owner or user inspection agency and the**
- 21 **vessel is not insured under a boiler and pressure vessel**
- 22 **insurance policy."**
- 23 Page 16, line 25, delete "(g)" and insert "(f)".
- 24 Page 16, delete lines 33 through 42.
- 25 Page 17, delete lines 1 through 41.
- 26 Page 19, line 8, delete "as:" and insert "as".
- 27 Page 19, line 9, delete "(1)".
- 28 Page 19, line 9, delete ";".
- 29 Page 19, delete lines 10 through 12.
- 30 Page 19, run in lines 8 and 13.
- 31 Page 19, line 20, delete "applicant, if the applicant is an owner" and
- 32 insert "applicant;".
- 33 Page 19, delete line 21.
- 34 Page 19, between lines 39 and 40, begin a new paragraph and insert:
- 35 "SECTION 22. IC 22-15-7-2.5 IS AMENDED TO READ AS
- 36 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2.5. (a) The office may
- 37 not issue a permit under this chapter until the applicant has filed with
- 38 the office a certificate of insurance indicating that the applicant has

1 liability insurance:

2 (1) in effect with an insurer that is authorized to write insurance
3 in Indiana on the operation of regulated amusement devices; and

4 (2) **except for an applicant that is subject to the provisions of**
5 **IC 34-13-3**, that provides coverage to a limit of at least:

6 (A) one million dollars (\$1,000,000) per occurrence and five
7 million dollars (\$5,000,000) in the annual aggregate;

8 (B) five hundred thousand dollars (\$500,000) per occurrence
9 and two million dollars (\$2,000,000) in the annual aggregate
10 if the applicant operates only:

11 (i) a ski lift;

12 (ii) a surface lift or tow; or

13 (iii) both items (i) and (ii); or

14 (C) one million dollars (\$1,000,000) per occurrence and two
15 million dollars (\$2,000,000) in the annual aggregate if the
16 applicant operates only regulated amusement devices that are
17 designed to be used and are ridden by persons who are not
18 more than forty-two (42) inches in height.

19 (b) An insurance policy required under this section may include a
20 deductible clause if the clause provides that any settlement made by the
21 insurance company with an injured person or a personal representative
22 must be paid as though the deductible clause did not apply.

23 (c) An insurance policy required under this section must provide by
24 the policy's original terms or an endorsement that the insurer may not
25 cancel the policy without:

26 (1) thirty (30) days written notice; and

27 (2) a complete report of the reasons for the cancellation to the
28 office.

29 (d) An insurance policy required under this section must provide by
30 the policy's original terms or an endorsement that the insurer shall
31 report to the office within twenty-four (24) hours after the insurer pays
32 a claim or reserves any amount to pay an anticipated claim that reduces
33 the liability coverage to a limit of less than one million dollars
34 (\$1,000,000) because of bodily injury or death in an occurrence.

35 (e) If an insurance policy required under this section:

36 (1) is canceled during the policy's term;

37 (2) lapses for any reason; or

38 (3) has the policy's coverage fall below the required amount;

1 the permittee shall replace the policy with another policy that complies
2 with this section.

3 (f) If a permittee fails to file a certificate of insurance for new or
4 replacement insurance, the permittee:

5 (1) must cease all operations under the permit immediately; and

6 (2) may not conduct further operations until the permittee
7 receives the approval of the office to resume operations after the
8 permittee complies with the requirements of this section."

9 Page 20, between lines 28 and 29, begin a new line block indented
10 and insert:

11 **"(4) After July 1, 2005, the commission's chief inspector or**
12 **supervisor of regulated amusement device inspectors must**
13 **have and maintain at least:**

14 **(A) a Level I certification if the chief inspector or**
15 **supervisor has not more than five (5) years of service as**
16 **the chief inspector or a supervisor; and**

17 **(B) a Level II certification if the chief inspector or**
18 **supervisor has more than five (5) years of service as the**
19 **chief inspector or a supervisor."**

20 Page 21, line 20, delete "less," and insert "**less**".

21 Renumber all SECTIONS consecutively.

(Reference is to HB 1218 as reprinted February 12, 2003.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Riegsecker

Chairperson